

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> , Debtors ¹	PROMESA Title III No. 17 BK 3283-LTS (Jointly Administered)
IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor	PROMESA Title III No. 17 BK 4780 LTS This Motion relates to PREPA and shall be filed in Lead Case No. 17 BK 3283- LTS and Case No. 17 BK 4780-LTS Re: ECF No. 2055

**INFORMATIVE MOTION AND
REQUEST FOR WITHHOLDING APPROVAL OF THE REJECTION OF
CERTAIN PREPA PPOA IN EXHIBIT A OF ECF NO. 2055-1 UNTIL
OPPORTUNITY TO CONFER AND MEET WITH FOMB**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801 (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

COMES NOW, EIF PR RESOURCE RECOVERY, LLC (“EIFPR”), through its undersigned counsel, and very respectfully informs as follows:

1. On July 7, 2020 the Puerto Rico Electric Power Authority (“PREPA”) submitted its *Omnibus Motion for Entry of an Order (A) Authorizing PREPA to Reject Certain Power Purchase and Operating Agreements (“PPOAs”), and (B) Granting Related Relief* (“Omnibus Motion”). ECF No. 2050

2. On July 8, 2020 the Financial Oversight and Management Board (“FOMB”) submitted an amended version of Exhibit A to the Omnibus Motion [ECF No. 2050-1] which contains an amended list of Rejected PPOAs. ECF No. 2055

3. Listed as number 26 of the amended list of rejected PPOAs included in Exhibit A of ECF No. 2055, the FOMB included the PPOA between Energy Answers Arecibo, LLC (“EAA”) and PREPA, dated December 4, 2009, for a project that will convert 2,100 Tons per day of Municipal Solid Waste into 80 MW (“Waste-to-Energy Project”).

4. EIFPR took possession and ownership of all assets of EAA pursuant to the Development Loan Agreement for the Waste-to-Energy Project, including its PPOA with PREPA.

5. On July 15, 2020 EIFPR requested the FOMB not to proceed with the rejection of EAA’s PPOA for the Waste-to-Energy Project through a letter to its Executive Director & Interim Revitalization Coordinator, Ms. Natalie Jaresko, for reasons that justify public interest, including, among others, the urgent need for a proven technology that meets all requirements and performance standards protective of human

health and the environment as an alternative to the adequate disposal of Municipal Solid Waste.

6. In said letter, EIFPR requests that FOMB remove the EAA's PPOA from the list of rejected PPOAs and requests a meeting to discuss the merits of said request.

7. EIFPR respectfully submit copy of the letter sent to FOMB as Exhibit A to this Motion.

8. It is common knowledge and we respectfully request that this Honorable Court take judicial knowledge of the fact that current disposal practice consists of burying the wastes in landfills, most of which do not meet the applicable environmental laws and regulations but have not been discontinued because a sound and technologically accepted alternative has not been constructed.

9. It is also common knowledge and we respectfully request that this Honorable Court take judicial knowledge of the fact that landfilling disposal capacity in Puerto Rico were significantly reduced by the debris generated after the passing of hurricanes Irma and María in September 2017 by 25%.

10. Due to the importance of this Waste-to-Energy project for the adequate disposal of wastes and the benefit of generating electricity with this alternate source of energy, EIFPR understands that the EAA's PPOA should not be rejected and is confident that the meeting with the FOMB will result in a recognition and confirmation of this understanding.

WHEREFORE, EIFPR respectfully requests from this Honorable Court not to approve the rejection of EAA's PPOA until EIFPR has had the opportunity of meeting with FOMB and notify this Court of the result of such meetings.

RESPECTFULLY SUBMITTED.

CERTIFICATE OF SERVICE

I hereby state and certify that on 15th day of July, 2020, I have filed the foregoing document using the CM/ECF system, and that such document will be served electronically on all parties of record.

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